

# **Exhibit D**



Brian T. Ross  
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July 30, 2018

**Via Email**

Michael N. Nemelka  
Kellogg, Hansen, Todd, Figel & Frederick, PLLC  
1615 M Street, N.W., Ste. 400  
Washington, D.C. 20036-3215

Re: *In re: Dealer Management System Antitrust Litigation*, C.A. No. 18-C-864, MDL  
No. 2817 (N.D. Ill.)

Dear Mike:

I am writing in response to your July 16, 2018 letter regarding certain redactions in Reynolds's production. The documents that you have identified are simply a reproduction of documents produced in the FTC joint conduct investigation, produced to Plaintiffs exactly as they were produced to the FTC. They were produced in that manner in accordance with our agreement to reproduce the documents produced to the FTC in that investigation. As such, that should end the inquiry at the present time. In the interest of further cooperation and transparency, however, I am providing the following additional information, without waiver of any objections or other rights.

1. For the 105 emails listed in your letter, we agree to independently review the "originals" of such documents during the course of our custodial review in this MDL and produce them in accordance with the Federal Rules, our agreements regarding discovery, and any orders of the court. Moreover, to the extent they are redacted in the course of the litigation production, redacted documents will of course be described at the appropriate time on Reynolds's privilege log.
2. With respect to the two emails mentioned at the outset of your letter following the article about President Obama's speech, I have confirmed that the redacted portions are clearly privileged summaries of legal advice sought and received from Reynolds's outside legal counsel (which, incidentally, have nothing to do with President Obama).
3. Separately, two of 105 documents listed in your letter (REYMDL00133099 and REYMDL00133103) were redacted to the FTC because they discuss a personal health issue and hospital stay involving Bob Schaefer's wife that is unrelated to this litigation. We agree with the statement in your letter that nothing in the protective order or ESI

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protocol specifically allows for redaction of non-privileged information. As a courtesy we would appreciate not being forced to produce this narrow category of plainly irrelevant and private information, but candidly we are unlikely to burden the Court with this issue if an understanding between counsel cannot be reached.

Very truly yours,

A handwritten signature in black ink, appearing to read "Brian T. Ross", with a stylized, cursive script.

Brian T. Ross

Cc: MDL Service List